

March 30, 2010

Dear Chief:

This letter is intended to provide your department with guidance and direction as to the proper administration of, and procedures to follow regarding the recently enacted legislation concerning the purchase of one handgun every thirty days, and the proper submission of applications for those seeking exemption to the law. Full context of this legislation can be found at www.njleg.state.nj.us. Chapter laws and statutes are found on the lower left side of the page under the heading "LAWS AND CONSTITUTION." Click on "Chapter Laws." On the page which appears, click on "Chapter Laws 2009," and scroll down to each particular piece of legislation as delineated below. The specific legislation as it pertains to one gun per thirty days is identified as:

P.L., 2009 Chapter 104
P.L., 2009 Chapter 168
P.L., 2009 Chapter 186

Be advised the following handgun transfers are not subject to the purchase of one handgun every thirty days law and thus the transactions ***DONOT*** require the completion of the new "Application for Multiple Handgun Purchase Exemption" form (S.P. 015) and the new "Seller/Transferor Certification" form (S.P. 016):

Handguns passing to heirs or legatees (N.J.S. 2C:58-3j).

A federal, state, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties.

A collector of handguns as curios or relics as defined in Title 18, United States Code, section 921(a)(13) who has in his possession a valid Collector of Curios and Relics License issued by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

Transfers of handguns between licensed retail dealers.

Any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent.

Gifted Handguns (person to person transfers only).

Completion by both the purchaser/transferee and the seller/transferor of the new “Application for Multiple Handgun Purchase Exemption” form (S.P. 015) and the new “Seller/Transferor Certification” form (S.P. 016) *IS* required for the following exemptions (N.J.S. 2C:58-3.4):

The application is to purchase multiple handguns from a person who obtained the handguns through inheritance or intestacy.

The applicant is a collector of handguns and has a need to purchase or otherwise receive multiple handguns in the same transaction or within a 30-day period in furtherance of the applicant's collecting activities. As used in this paragraph, "need" shall include, but not be limited to, situations where there is a reasonable likelihood that the additional handguns sought to be purchased would not be readily available after the 30-day period, that it would not be feasible or practical to purchase the handguns separately, or that prohibiting the purchase of more than one handgun within a 30-day period would have a materially adverse impact on the applicant's ability to enhance his collection. As used in this paragraph, "collector" shall include any person who devotes time and attention to acquiring firearms for the enhancement of the person's collection: as curios; for inheritance; for historical, investment, training and competitive, recreational, educational, scientific, or defensive purposes; or any or other lawful related purpose. If an applicant is a member of an organized gun club; firearms competitors organization; firearms collectors organization; or any other organization dedicated to the acquisition, preservation, or use of firearms for historical, investment, training and competitive, recreational, educational, scientific, or defensive purposes, or any other lawful related purpose, such membership shall be considered in determining whether the applicant qualifies as a collector.

The applicant participates in sanctioned handgun shooting competitions and needs to purchase or otherwise receive multiple handguns in a single transaction or within a 30-day period, and the need is related to the applicant's competitive shooting activities, including use in, or training for, sanctioned competitions.

The “Application for Multiple Handgun Purchase Exemption” form (S.P. 015) and the new “Seller/Transferor Certification” form (S.P. 016) are available on the New Jersey State Police web site at www.njsp.org, Services, Firearms Information, Forms to Download.

Directions for use and completion of the “Application for Multiple Handgun Purchase Exemption” form (S.P. 015) and the new “Seller/Transferor Certification” form (S.P. 016), as well as procedures to be followed by the applicant and issuing law enforcement agency have been established as follows:

Application for Multiple Handgun Purchase Exemption Form (S.P. 015)

Applicants expressing a desire to apply for an exemption to the “One Handgun every Thirty Days” law are to be provided with the “Application for Multiple Handgun Purchase Exemption Form” (S.P. 015), as well as the requisite number of “Application for Multiple Handgun Purchase Exemption - Seller/Transferor Certification Forms(s)” (S.P.016) at the same time the applicant is provided the “Application for Firearms Purchaser Identification Card and/or Handgun Purchase Permit” (S.T.S. 033).

All information on this form is to be completed by the applicant. The application is to be completed legibly and shall contain all required information. ***Exemption applications deemed incomplete or illegible by your agency are not to be accepted and are to be returned to the applicant without review.***

Applicant is to place a check in the appropriate box for the exemption being sought.

Applicant is to list in detail all required information pertaining to the seller information and full identification of the handgun(s) being purchased. ***Legibility is particularly crucial to capture accurate handgun identification information.***

Applicant is to sign and date the form as provided in the "Affirmation of Applicant."

If necessary, the applicant is to use the authorized "Application for Multiple Handgun Purchase Exemption Continuation Page" (S.P. 015A).

Applicant is to provide any documentation, if applicable, in support of the exemption request. This documentation should be attached to the "Application for Multiple Handgun Purchase Exemption" form.

Application for Multiple Handgun Purchase Exemption Seller/Transferor Certification Form (S.P. 016)

Applicant is to legibly complete "Purchaser/Transferee Information" blocks.

Applicant is to have the seller/transferor complete all other blocks on this form. It is important to stress to the applicant that the seller must complete all blocks legibly, and include complete and accurate information. **Seller Certification forms deemed incomplete or illegible by your agency are not to be accepted and are to be returned to the applicant without review.**

Seller is to complete "Seller/Transferor Information."

Seller is to complete "Handguns to be Purchased/Transferred" block for all handguns being sold to the purchaser.

Seller is to complete the block "Number of Handguns being purchased/transferred."

Seller is to sign and date the form as provided in the "Affirmation of Seller/Transferor."

If necessary, the seller is to use the authorized "Application for Multiple Handgun Purchase Exemption Seller/Transferor Certification" Continuation Page (S.P. 016A).

Departmental Procedures

An applicant has two options when desiring to apply for a multiple handgun purchase exemption. The applicant may either apply at the time of submission of his/her "Application for Firearms Purchaser Identification Card and/or Handgun Purchase Permit" (S.T.S. 033)," or may apply at any time following the issuance of approved permits to purchase a handgun. Note these permits must still be

valid when application is made for a multiple handgun purchase exemption. Procedures to be implemented by your department for each option are outlined below.

Concurrent submission of both the “Application for Multiple Handgun Purchase Exemption (S.P. 015)” and the “Application for Firearms Purchaser Identification Card and/or Handgun Purchase Permit (S.T.S. 033).”

Applicant is to submit both the completed “Application for Multiple Handgun Purchase Exemption” (S.P. 015) and the “Application for Multiple Handgun Purchase Exemption Seller/Transferor Certification” (S.P. 016) forms at the time his/her “Application for Firearms Purchaser Identification Card and/or Handgun Purchase Permit” (S.T.S. 033) is submitted to your agency. As the amended statute also provides “If the information concerning the particular handguns to be purchased is not available when the form is submitted, that information shall be provided to the superintendent as soon as practicable thereafter,” your agency is to retain the exemption application and all seller certification forms until the missing information is provided. ***It is strongly recommended your agency advise the applicant the submission of any forms with incomplete information will delay processing of the application and permits.***

Your agency is to retain both the “Application for Multiple Handgun Purchase Exemption” (S.P. 015) and the “Application for Multiple Handgun Purchase Exemption Seller/Transferor Certification” (S.P. 016) forms until your firearms investigation has been completed, and a determination is made by your agency to approve or deny the applicant’s permits to purchase a handgun.

On denial of an applicant’s application for permits to purchase a handgun, all completed forms are to be retained by your agency.

On approval of an applicant’s application for permits to purchase a handgun, your agency is to immediately forward **only** the “Application for Multiple Handgun Purchase Exemption” form (S.P. 015) and the “Application for Multiple Handgun Purchase Exemption Seller/Transferor Certification” form(s) (S.P. 016) to the New Jersey State Police, Post Office Box 7068, West Trenton, New Jersey 08628. Attention Firearms Investigation Unit - Building 8.

Your agency is to issue to, and provide the applicant all permits in excess of those requested specifically for, and under the exemption application. Your department will retain the requisite number of approved and valid permits as requested in the applicant’s exemption request until such time as the completed and approved (or denied) application for exemption is returned to you.

On review of the exemption application and all supporting documentation, the New Jersey State Police Firearms Investigation Unit will either approve or deny the exemption application.

On return of an approved (or denied) exemption application, your agency will provide a copy of the application form to the applicant, and return to him/her all permits to purchase a handgun previously retained by your department.

Your agency is to retain a signed copy of the approved (or denied) “Application for Multiple Handgun Purchase Exemption” form for your records.

Submission of the “Application for Multiple Handgun Purchase Exemption (S.P. 015)” subsequent to issuance of permits to purchase a handgun.

Note: The permits to purchase a handgun being provided by the applicant under this option ***must be valid*** at the time his/her application is made.

Applicant is to submit to your agency the completed “Application for Multiple Handgun Purchase Exemption” (S.P. 015) form, the “Application for Multiple Handgun Purchase Exemption Seller/Transferor Certification” (S.P. 016) form(s), and the requisite number of previously approved, and still valid permits to purchase a handgun issued by your department. As the amended statute also provides “If the information concerning the particular handguns to be purchased is not available when the form is submitted, that information shall be provided to the superintendent as soon as practicable thereafter,” your agency is to retain the exemption application and all seller certification forms until the missing information is provided. ***It is strongly recommended your agency advise the applicant the submission of any forms with incomplete information will delay processing of the application and permits.***

Your department will retain the approved and valid permits provided you by the applicant until such time as the completed and approved (or denied) application for exemption is returned to you.

Your agency is to immediately forward **only** the “Application for Multiple Handgun Purchase Exemption” form (S.P. 015) and the “Application for Multiple Handgun Purchase Exemption Seller/Transferor Certification” form(s) (S.P. 016) to the New Jersey State Police, Post Office Box 7068, West Trenton, New Jersey 08628. Attention Firearms Investigation Unit - Building 8.

On review of the exemption application and all supporting documentation the New Jersey State Police Firearms Investigation Unit will either approve or deny the exemption application.

On return of an approved (or denied) exemption application, your agency will provide a copy of the application form to the applicant, and return to him/her all permits to purchase a handgun previously retained by your department.

Your agency is to retain a signed copy of the approved (or denied) “Application for Multiple Handgun Purchase Exemption” form for your records.

Miscellaneous

Please note, regardless of an applicant’s submission or declination of submission for exemption to the recently enacted legislation, your agency is not authorized to, and cannot limit the number of Permits to Purchase a Handgun to an applicant. Those applicants issued multiple permits without exemption are required to comply with the current law, more specifically the purchase of no more than one handgun in a thirty day period.

Thank you in advance for your cooperation regarding this matter. Should you have any questions, please feel free to contact Lieutenant David B. Schlueter, Firearms Investigation Unit Supervisor, at (609) 882-2000, extension 2555.

Sincerely,

FOR COLONEL JOSEPH R. FUENTES
SUPERINTENDENT

Major Marshall Cradock
Commanding Officer
Special Investigations Section